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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 Appl. No. : 10/816,546 Confirmation No.: 9999
Applicant : Krishnamurthy
Filed : 04/01/2004
10 TC/A.U. : 2686
Examiner : n/a
Docket No. : HRL040-C
15 Customer No. : 28848

20 Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

25 **PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION**

Sir:

In response to the Notice to File Corrected Application Papers dated June 18, 2004, the Applicant respectfully requests that the Examiner consider the Remarks made
30 below.

Remarks

Applicant petitions the Examiner under 37 CFR 1.137(b) to revive the now abandoned application and accept submission of the corrected application papers.
35 Pursuant to 35 U.S.C. 41(a)(7), the Applicant has enclosed the corrected drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121, a statement that the entire delay in filing the corrected papers was unintentional, and the fee for filing a petition to revive an unintentionally abandoned application.

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1500.00 DP

The Applicant states, pursuant to the requirements of 37 C.F.R. 1.137(b), that the entire delay in filing the required application fee payment was unintentional.

The Applicant recently discovered the existence of the Notice to File Corrected Application Papers after receiving a Notice of Abandonment dated March 15, 2005. Applicant has not received a copy of the Notice to File Corrected Application Papers prior to March 15, 2005. Therefore, the Applicant hereby submits the proper petition to revive an unintentionally abandoned application, as the Applicant was unaware of the Notice to File Corrected Application Papers.

The Applicant's general procedure upon receiving correspondence from the USPTO is to place the item in a bin to be docketed. Next, the Applicant will enter the due date and/or date the correspondence was received into Applicant's patent case tracking software. The Applicant reviewed the case tracking software page for the present application and found no entry of a Notice to File Corrected Application Papers due date or receipt of a USPTO Filing Receipt, which accompanies a Notice to File Corrected Application Papers. A picture of the case tracking software page for the present application, attached as Appendix A, is proof that the Notice to File Corrected Application Papers was not received. Therefore, Applicant submits that a Notice to File Corrected Application Papers was never received by Applicant. Additionally, as Applicant believes the Notice to File Corrected Application Papers was never received as a result of USPTO error, Applicant requests that the enclosed petition fee be waived.

Applicant therefore requests that the application be revived and the late submission of the corrected drawings be accepted by the Examiner as an unintentional abandonment of the application.

Concluding Remarks:

In view of the foregoing, Applicant believes the application is now in condition for examination. Accordingly, early issuance of this application is respectfully requested. Should the Examiner have any questions regarding this response or need any additional
5 information, please contact the undersigned at (310) 589-8158.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-2691. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an
10 extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-2691.

Respectfully submitted,
TOPE-MCKAY & ASSOCIATES

By: 

Cary Tope-McKay
Reg. No. 41,350
Tel.: (310) 589-8158

Appendix A

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V5-IP/Case Tracking System - \\timadocket\g\CTS500\TMADocket1.MDB (\\timadocket\g\CTS500\FORMS\CTSFORM.MDB)

File Case Organizations People Contact Reports Current Petitioners New Cases Support Request Help

U.S. Patent Case More Data (Record Locked to allow your updates)

Case No: HRL040-CONT

Missing Parts		Received PostCard	
Due:			<input type="checkbox"/>
Sent:			<input type="checkbox"/>

Formal Drawings		Received PostCard	
Due:			<input type="checkbox"/>
Sent:			<input type="checkbox"/>

Foreign Filing		CRS		No Filing Planned	
Due Date:			<input type="checkbox"/>		<input type="checkbox"/>
Date Filed:			<input type="checkbox"/>		<input type="checkbox"/>

File Regular App from Provisional		CRS	
Due Date:			<input type="checkbox"/>
Date Filed:			<input type="checkbox"/>

Maintenance Fees		C P R C C S D T	
Date Due	Date Paid		
3.5 Yr		<input type="checkbox"/>	<input type="checkbox"/>
7.5 Yr		<input type="checkbox"/>	<input type="checkbox"/>
11.5 Yr		<input type="checkbox"/>	<input type="checkbox"/>

Allowance/Issue Fee		Received PostCard	
Allowed			<input type="checkbox"/>
Fee Due			<input type="checkbox"/>
Paid			<input type="checkbox"/>

Other Adjustments to the Patent Term		Change Small Entity Status	
Adjustment Type		<input type="checkbox"/> to Large Entity for this case only	
Start Date	End Date	<input type="checkbox"/> Reviewed PTA of Allowed Patent	
		<input type="checkbox"/> Reviewed PTA of Issued Patent	
		Next Office Action Expected:	

Inventors	
List	
1	KRISHS
2	ELBATTI
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Issued Patent	
Due:	
Rcv:	

SCOTT - QuickBoo... Outlook Today - M... HRL040-C Petition ... 6:11 PM